

DISSERTATION

UPON THE

PERPETUAL MUTINY BILL.



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Ireland [Laws—IV. 19420 Geo. III. c 16.]

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PERPETUAL MUTINY BILL.

By a GENTLEMAN of T. C. D.

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DISSERTATION, &c.

THERE is no species of writing, which might be made more serviceable to the public, than temporary essays upon political subjects. Celebrating the praise, or condemning the defects in our government, arouses the attention of the people, to consider more accurately a constitution, which they who understand must venerate : it awakes in their minds the noble spirit of public virtue ; it exhibits to their view the unhappy consequences which would follow a diminution of freedom ; and by pointing out, in particular instances, the evils which attend every invasion of right, it teaches them the value of liberty.

The utility of such productions is much increased, if the writer makes those facts, which are established by uniform experience, the ground-work upon which all his arguments are founded. And certainly there is not a science
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in the world which affords so copious a list of experiments to reason from, as that of politics does in the histories of past transactions. We there behold the perpetual fluctuation of empire over the whole globe, and the fits of freedom and slavery which every land has sustained; we there learn the institutions which proved serviceable to liberty, and the measures which destroyed it; and it is there that we are faithfully instructed in the system we should pursue, and the innovations we should reject. This is the plan I shall endeavour to pursue in the following enquiry into *the propriety of making our Mutiny Bill perpetual*: an enquiry which I have undertaken, because I am convinced, that the duration of Irish liberty is dependent upon the exertions of the People, and their Representatives, in procuring an amendment of this bill; and also, because I am convinced, that few of those Members of Parliament, who precipitately assented to it, saw the full extent of its ruinous tendency; and therefore I hope, that now, when this Bill comes to be reconsidered, on more mature deliberation they will retract their former opinion. Perhaps there may be found some men, who will have the presumption to charge such Members with inconsistency; but it will be an honourable charge, for when the deviation is from wrong, inconsistency is a virtue.—Neither let any gentleman apprehend that such inconsistency will cast any imputation on his understanding, for wisdom had not time to operate; the House was surprised into the measure, and it was passed before it was considered. Upon any other supposition



position it is impossible to conceive, that an House of Commons, which had in the same session exhibited such unequivocal proofs of integrity, should also assent to a bill, which had always, in England, been deemed incompatible with liberty; which was an open violation of the constitution of this kingdom; which was an unprecedented stretch of parliamentary authority; and which was neither supported by reason, nor justified by necessity.

If history informs us, that the wisest Legislators in every age have been uniformly of opinion, that standing armies are always dangerous to the established government of a state; if we find the truth of this doctrine confirmed by repeated examples in the annals of every nation; and if experience and reason teach us, that it is by them alone, that internal revolutions have, or ever can be effected, we must admit it as an established maxim in politics, *that, in every free state, the army should be entirely dependent on the people, or their representatives; and that the yielding up the exclusive direction of them to any one man, is also yielding up to him the power of overturning the liberty of the nation; a power which no mortal should ever be permitted to possess.* Let us, therefore, look into history, and see whether these suppositions are true, and if they are, whether our perpetual Mutiny Bill gives the King the exclusive direction of the army.

The Assyrian empire, the most antient that we read of in history, was founded and governed by men of as great wisdom as any age ever produced.

duced. These able Legislators knew that, where there was a perpetual army, the established government could not be safe; and therefore they ordained, that their army should be disbanded at the expiration of every year. To this prudent conduct the duration of that empire has been attributed by historians. A similar policy was adopted in the Persian empire. The Macedonian fell a prey to the divisions of its own army. Athens might have long enjoyed her freedom; if the imprudence of her Senators had not granted a guard of fifty men to Pisistratus; this force, inconsiderable at first, he found no difficulty of increasing to an armament, which enabled him to usurp the government, and destroy the freedom of the people. For when once there is a breach made in an old constitutional barrier, it is easy to widen it by almost imperceptible degrees, until it extends beyond repair. In vain did Solon, that wise legislator, admonish the people against the granting the guard to Pisistratus; in vain did he exhort them to oppose this invasion of their liberties; and when he found that his intreaties were attended with no effect, he took his armour and laid it before the door of his House, saying, “ Since
 “ the citizens are determined to resign the free-
 “ dom of my country, nothing now remains
 “ worthy to contend for.” *

The citizens of Corinth granted a guard of four hundred men to Timophanes: with these he surprised the citadel, destroyed the antient government, and made the people groan under an

* Plut. de vita Sol.

an insupportable tyranny, originating more in their credulity, than his ambition *.

Those great legislators who governed the commonwealth of Rome, were well aware of the precaution which is necessary in the management of an armed force: they, therefore, enacted, that no general should continue in his command for more than the space of one year. But latterly, when that state was engaged in distant wars, this antient regulation was dispensed with; and to this Machiavel attributes the destruction of that republic: for Cæsar being continued in command, did not neglect the opportunity of ingratiating himself with the army: they soon became subservient to his will; they lost, by long absence, all regard for the commonwealth, and considered themselves as the army of the commander, not of the people. For him they hazarded their lives; for him they enslaved their country; for him they plunged their swords into the bosoms of their fellow-citizens: the same army which was raised for the protection of the state, became its destruction; and Rome exhibited, in the awful example of her fall, the desolation which may ensue to a country from the slightest innovation of its military system.

I know that those men in this Kingdom who profess themselves to be the uniform friends of government, and those who under the abused term of *moderation* endeavour to conceal a defi-

* Ibid de vita Timol.

ciency of integrity, will represent all apprehensions from the Mutiny Bill as phantasms held forth by factious men to raise idle fears and groundless discontents. Such false representations are not peculiar to this country: we may rest assured that Athens, Corinth, and Rome, were not without men who lulled the people into supine content, and facilitated their destruction, by talking then as those short-sighted politicians do now amongst us, only with more appearance of truth. Let us for a moment suppose what we may naturally conclude to have been the conversation at Rome upon this subject. A Roman meets his friend, and asks him, "What news to-day?" "Marius (says he) has been continued in the command of the army. Our pretended champions for liberty, as usual, opposed this measure most violently, and said it was establishing a precedent which would destroy the freedom of the people."—"Well (replies the other) I must confess I had a good opinion of those men until now: but since I find they oppose so reasonable a measure as this, I shall place no confidence in them for the future. What an absurdity is it to imagine that the continuation of a general, even for life, in the command of our army, would ever endanger the freedom of the state? Is an individual able to maintain the army, unless the people consent to raise the supplies? Will men fight without pay? Can our liberties, therefore, be in any danger from the command of our forces, while the purse of the nation is in the hands of the people?" In
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this manner did the men of *moderation* among the Romans argue in those days. In the same manner do the men of *moderation* argue among us at present, only with this difference: it is not the continuation of a dependent general for a few years, but the continuation of a king for life in the command of our army without any controul of the people. It is not the continuation of an individual with a small property, but the continuation of a sovereign with immense revenues independent on this kingdom. It is not the continuation of a man in the command of an army, far removed beyond the confines of the state, but of an army in the very heart of the nation, ready to strike the blow before we see the danger. Thus experience has taught us the falsity of reasoning which those unfortunate nations adopted. I hope the falsity of ours will appear before so fatal a proof works our conviction.

Passing from these remote ages to more modern times, we still find that standing armies have continued to shed their baleful poison upon freedom. With their assistance Gustavus Ericson enslaved Sweden, and Francisco Sforza overturned the freedom of the Milanese. By them liberty was banished from Denmark, France, and Spain, and is still continued an exile from those countries. The United States submitted to the Spanish yoke, until Philip the Second attempted to keep up a *perpetual* army in their country: they wisely foresaw that such a measure was a prelude to perpetual slavery: they frustrated his design, by opposing it before
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it arrived at maturity, and thereby secured to themselves and their posterity a glorious and uninterrupted freedom †.

The history of England alone furnishes instructions and examples sufficient to convert the warmest advocate for this bill, unless temporary emoluments bias his understanding. During the tedious wars between the houses of York and Lancaster, we find no perpetual army established: when each contention was over, the soldiers of both parties were moulded again into the mass of the people. The victorious party would not, for the security of their sovereign, for the protection of their properties and lives, nor for the durable establishment of public tranquillity, hazard the liberty of the nation, even by creating a perpetual life-guard. And shall we, when there is no intestine war, no opposite interests claiming the British crown, establish a perpetual army of 15,000 men? Are we more wise than our ancestors? more virtuous? and in less danger of losing our liberty?

There is no æra in any history which exhibits a more awful example of the tremendous powers which are possessed by an army than the reign of Charles the First. The forces, which were raised by the parliament, beheaded the king, annihilated the monarchy, and established the commonwealth. But this new form of government was scarcely erected when they destroyed it, deposing the very parliament which had raised them, and making Cromwel absolute in

† De Witt, lib. ii. cap. 3.

England. This legislation too pleasing them no better than the former, soon fell a victim to their caprice: they stripped the young protector of all the authority with which they had invested him, and, at the instigation of their general, * restored that government to the nation which first felt the fury of their power.

If perpetual armies had been established in England in the reign of James the Second, the most fatal consequences must have ensued to religion and liberty: but the forces of the nation were intirely dependent on the people; they therefore abandoned their sovereign when he abandoned the principles of the constitution, and the glorious revolution took place in England without striking a blow.

Thus in the history of almost every nation which has lost its liberty, we read the fate which will ensue to ours from establishing a perpetual army. But if there is any person who will not be convinced of the danger of such a force from uniform experience, let him consult his own reason, and try if his ingenuity can devise any other instrument by which a sovereign can subvert the liberties of the people. Corruption may deprive them of some of their rights; it may be an accessory in destroying their freedom, but the sword must always be the principal. Neither the prodigality of the minister, nor the prostitution of the representative, will bend the necks of the people to a tyrannous yoke, unless they are awed by the terrors of an army. For it is evident, that when

* Monk.

a majority of the citizens, in any state, find themselves aggrieved by laws or impositions, which trespass upon their natural rights, if they have ability, they will not submit to the grievance, and it is by an army alone they can be deprived of this ability. Gold by itself would be but a weak engine to silence the clamours of an injured people: the sphere of its operation is circumscribed to a few, while the dread of an army extends to the whole. In a word, tho' by wise restrictions there may be an army without slavery, yet it is a political axiom, that there cannot be slavery without an army. How much, therefore, does it import the inhabitants of this country, to guard against every hazardous innovation in their military laws, as being the only measure which can subvert their constitution, and seal their servitude, without having a power of redemption?

The repugnancy of a perpetual Mutiny Bill to the antient charters of our freedom, is also another insurmountable objection, which no consideration can either remove or palliate. By depriving every soldier in the army and every citizen in the militia, (whenever it is arrayed) of trial by jury, it violates the most important clause in Magna Charta; * and therefore Sir Edward Coke declares, that if a lieutenant, or other that hath commission of martial authority, doth in time of peace hang, or otherwise

* Cap. 29, also the 25th of Edw. III. 9. No man shall be forejudged of life and limb against the form of the Great Charter and the law of the land. Also 25 Edw. III. 4, 28, Edw. III. 3. & 9 Hen. III. 29, † 3 Inst. 52.

execute any man by colour of martial law, that is *murder*, for it is against Magna Charta. † To this it may be objected perhaps, that a triennial act would be as much a violation of the great charter as a perpetual one: but there is this important difference between them, that as fast as the military law militates with Magna Charta, if the Bill be triennial it only suspends the charter for a short space of time; but if it is perpetual it abrogates it for ever: the former is a measure sanctified by expediency and precedent, as the Habeas Corpus act was suspended in England for one year in the reign of William the Third; but the latter is an unparalleled stretch of Parliamentary authority, neither supported by precedent, nor warranted by necessity: the one acknowledges the force of the great charter, and periodically pays that reverential tribute due to the constitution; the other disclaims its authority, and violates, without any palliation, those sacred pledges, which our ancestors procured for the preservation of our freedom.

The sixth article of the Bill of Rights says, that a standing army in time of peace without the consent of Parliament is against law. Here we are to consider whether the intention of this article was, that the army must always receive the sanction of the Parliament *in existence* to make it legal, or whether a vote of a past Parliament could legalise such a force in future. Since the article says, that a standing army *without the consent of Parliament*, is illegal; it
admits

admits that such a force may be sometimes necessary ; since it expressly declares, that a standing army is against law, it impliedly allows, that it may not be at all times expedient ; for it would be an absurdity for the same act to declare that, that is contrary to law, which is at all times expedient : it therefore impliedly admits that such a force is sometimes necessary, and sometimes is not ; this necessity must proceed from the circumstances of the times, of which it has declared Parliament to be the judge ; but the necessity of the times can only be determined by the existing Parliament at the particular period ; therefore by *the consent of Parliament* in this article is intended the consent of the Parliament actually in being, and consequently no Parliament can, without violating the Bill of Rights, legalise a standing army for a longer period than its own existence.

In short, that abrogates a law which renders it nugatory ; and, if the perpetual Mutiny Bill is suffered to remain unrepealed, it is evident that this article will be nugatory in future.

Surely the Parliament was not aware of the ruinous precedent which this Bill establishes by violating the charters of our freedom. Great indeed must be the promised advantages which should induce us to break thro' those constitutional barriers ; yet I never heard any of these persons, who attempted to justify this Bill, say that its perpetuation was necessary ; they only
say

ay it was innoxious: but since it infringes upon these charters, which contain the very essence of our liberties, to prove that it is justifiable, they must prove that it is indispensably necessary. What are we the better for Magna Charta? What are we the better for the Bill of Rights? What are we the better for all those venerable charters, which our ancestors vainly thought would be the impregnable fortresses of our freedom, if our Parliament establishes the precedent of infringing their most valuable regulations, and of wantonly cancelling their authority? Shall the representatives of the people assent to such a violation of their rights? Shall they who were appointed to be the defenders of our liberties, be the first to approve an invasion of them?

The conduct of the Parliament of England in this most material point, the regulation of the army, is finely contrasted with the conduct of ours; at the same time that it reflects the greatest lustre upon the wisdom of the one, it tinges with deeper hue the folly of the other. It was long before the people of that kingdom were prevailed upon to consent to the establishment of such a force; and if a method had not been devised of making the army entirely dependent on their representatives, the militia, to this day, would have been their only internal defence. At length an expedient was adopted, which left the army under the command of the King, and, at the same time, gave either of the other branches of the legislature a power of disbanding it, whenever they thought it dan-

gerous or unnecessary : for the bill which punishes mutiny and desertion in England is annual ; it expires every year ; it becomes a new act to revive it ; consequently, to make it a law, requires the assent of the King, the Lords and the Commons ; any one of whom, by refusing that assent, dissolves the army. A happy expedient this, by which the representatives of the people can sheath the swords of their soldiers, if ever they should menace the freedom of the state. Yet, this wise expedient our Parliament has neglected to adopt ; we have omitted the only circumstance which could palliate the establishment of such a force ; we have drank the poison without taking the antidote.

It has been alleged by some gentlemen, that our army is still dependent upon the representatives of the people, because, without their consent, the King has no power to raise money for its maintenance. But I beg leave to ask those gentlemen, Will not he have the power of raising money, to whom no one dare venture to refuse it ? when we lose our authority over the armed force of the kingdom, our authority over the wealth is lost also : it may exist in imagination, but it is lost in reality. Our claim to the national purse will be like the King of England's claim to the title and arms of France, an assumption of the name without possessing the power ; a bauble which may content a fool, but will be laughed at by a wise man. Unless this bill is immediately repealed ; unless this new power of the crown is prevented from acquiring strength by

by custom, we shall be drained of our riches, and plundered of our liberties, without daring to murmur. The sword of the foldier will second the demand of the minister; it will be the key to our money, and the title to our land; it will be the rod which will strike the solid rock of our constitution, and make the wealth of the nation to flow.

It has also been alleged in the Parliament of Ireland, by some gentlemen high in office, and in the Parliament of England, by the Secretary at War, *that this Bill was made perpetual to prevent a difference of punishment, which might arise in the military laws of the two nations*, the apprehension of which must be founded upon one of these two suppositions; either that during the intervening year, when the Parliament of Ireland does not sit, alterations might be made in the English Mutiny Bill, which would vary it from ours; or that the Parliament of Ireland would not at all times agree to those alterations which should be made by that of England; and from thence a difference of punishment might arise. As to the first, it is no objection against a biennial act, for the King need not be deprived of the power of making certain restricted alterations during the intervening year; and at the expiration of the two years, there would be no more necessity for the bill continuing, than there would be at the expiration of one, if our Parliament met annually. It is therefore absurd to conceive, that this clause was introduced to remedy any difference of punishment which might

might arise from the difference of time between the periodical meetings of the two Parliaments. We must therefore have recourse to the other supposition, where we shall see its *urgent necessity* to curtail the *injurious rights* of Parliament, and prevent the great Council of the nation from intermeddling in the direction of our army, which might occasion a very *detrimental difference of punishment*. And here we must admire the great genius of the authors of this argument, who founded their reasoning upon a principle novel in these kingdoms; they were far above pursuing the *steal maxims* of our oldfashioned constitution; France or Spain, or some such absolute monarchy, furnished them with the hint: the principle, and the only principle upon which their reasoning can be founded for making the Bill perpetual is this, *that our army will be better governed by the regulations of the King, than by the regulations of the Parliament*; for we certainly must expect more *wisdom*, and more *consistency* from the single head of so great a man as a Monarch, than from a set of country gentlemen, who foolishly prefer being governed by their own laws, to the sapient mandates of a Sovereign: and when they have established this new system in the government of our forces, they no doubt will liberally begin to extend their salutary regulations to the government of the people; they will tell them, that he who has abilities to govern so many brave and well armed soldiers, without the troublesome assistance of Parliament, will certainly be able to govern a set of peaceable un-
armed

armed citizens, without the intervention of so *useless* an assembly. They will also prevail on the army to use its persuasion (and an army can make use of very *forcible* arguments) to convince the people of the *happiness* of abject submission.

The period in which this Bill passed, has made many transient observers think more favourably of it than it deserves. Lord Buckingham, and his administration, had gained the confidence of the people, by his faithful representation of their distress. They never apprehended that the same administration, which had enlarged the source of their wealth, would contract the measure of their freedom. But a future generation will entertain a different opinion of his government. The acquisitions in trade (the only advantages we gained in his administration) were made transitory, when our army was made perpetual; and when these acquisitions have passed away, the Mutiny Bill will remain to tarnish his character.

The 12th clause of our Mutiny Bill says,
 “ that his Majesty’s army, within this kingdom,
 “ shall be governed by such articles of war as
 “ have been already, or shall be made by him
 “ for the government of all his forces.” By
 this clause the Parliament has resigned to the King the sole management of the army: it has empowered him to make alterations in the very essence of the act. And are the alterations which his Majesty shall make four or five years hence
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to be considered as laws? To make a law the assent of Parliament is necessary; and could Parliament assent to them four or five years before they existed? This is a new mode of legislation, which our representatives have devised; they begin where they should end; the assent precedes the formation. That such alterations are not continually laws, there is no doubt; that our Parliament intended they should have the force of such, I fear, is not less true. This is a prelude to the old slavish doctrine, that the proclamations of the King have the force of laws; for what is any new clause which he shall add to our Mutiny Bill, but a proclamation? Here is a most alarming invasion of our liberties, approved by the Sovereign, and promoted by the Parliament: that the authority of the King alone, without the assent of the two other branches of the legislation, can *alter* an act of Parliament, and that too an act, which, from its very nature, must be more inimical to liberty, than any other which ever passed in this kingdom, and that Parliament should for ever renounce a right of examining **such** alterations. This is at once assailing the **legislative** power of our Lords and Commons in a **vital part**, where the slightest wound may prove mortal.

It may be alleged, that the provision in this act which restrains the King from annexing to such alterations any punishment extending to life or limb, renders the power delegated to him innoxious. But this does not remove that
maternal

material objection of investing the executive power with authority, to alter a law without the constitutional assent of Parliament. Besides, if we consider the number of punishments, which may be inflicted, that do not extend to life or limb; and the many crimes and misdemeanours which, by the act in its present situation, are punishable with death, we shall find that this provision is only a plausible association of words, in reality nugatory. A court martial, by this law, is impowered to punish the following offences with death; exciting or joining in any mutiny, or knowing of it, not giving notice to the commanding officer; deserting, or lifting in any regiment; sleeping upon post, or leaving it before relieved; holding correspondence with a rebel or enemy; striking or using violence to a superior officer, or *disobeying his lawful commands*. This last article (disobedience of lawful commands) is so indefinite, that it gives a court martial an absolute and unlimited authority, and defeats any advantage which might be derived from the provision above recited. Such an indefinite expression in our courts of judicature would be esteemed too loose to create a capital offence *. Our Parlia-

* Penal statutes must be construed strictly. Thus the statute 1 Edw. VI. c. 12. having enacted, that those who are convicted of stealing horses should not have the benefit of clergy, the judges conceived that this did not extend to him that should steal but one horse; and therefore procured a new act for that purpose in the following year. Black. sect. 3. lib. 1.

ment has intrusted a court martial with a latitude of power, which our constitution would never intrust to a jury. This appears the more astonishing, when we consider the nature of such courts, and the form of their trials. The Judges are a set of officers ignorant of all law, and unacquainted with the common principles of justice. They are creatures intirely dependent upon the sovereign, whom they look up to for promotion, and on their commanding officer, from whom they are to expect favour and indulgence. The culprit is allowed no council to plead his cause, or summon up his evidence; no power of challenging an interested person, or disqualifying an avowed enemy. It is not his equals who are the judges of his offence, nor an *unanimous* verdict that pronounces him guilty. Though the Commons of Ireland have shewn so little humanity for the situation of the unfortunate defender of their country, yet, when they reflect that they may be reduced to the same state of slavery; that the Militia Bill may subject them to the same rigorous laws; surely they will mitigate the lot of the Soldier for the security of the Citizen. Is there a freeholder in the nation who reads in the Militia Bill, that, if ever he is inrolled in that service, and called out for public duty, “ he shall “ be subject to the same laws and regulations “ as his Majesty’s regular forces :” And also upon perusing the Mutiny Bill * finds that those laws and regulations are severe and arbitrary,

* Clause 31.

and that the King is impowered with a perpetual authority of making alterations in them, not subject to the revision of Parliament? Is there a freeholder, I say, who considers those circumstances, that will not solemnly and resolutely require the representatives of the nation to reassume their rights, and reserve to themselves, by a biennial Mutiny Bill, the power of amending those military laws, if ever they should press upon the freedom of the people?

The most abject advocates for government are almost ashamed openly to support this perpetual Mutiny Bill on its intrinsic merits; those who scrupled to offer an open *insult* to reason, declined any debate upon the bill itself; that its perpetuity was unaccountable, they acknowledged; that it was dangerous, they scarcely attempted to disprove; but that it was a necessary substitute for another bill, which they wanted either spirit, or understanding, or perhaps both, to vote for, they endeavoured to maintain. A perpetual Mutiny Bill was to be the charter of Irish liberty. It ought to be embraced with all its dangers, because it conveyed an *implied* acknowledgment from Great Britain, of the legislative independence of Ireland. I omit the national disgrace of accepting such an indirect surrender of usurped authority, as an individual of honour would spurn upon a similar occasion. I will not dwell upon the contrast between the British Bill of Rights, which expressly prohibits a perpetual Mutiny Bill, and our Bill of Rights, which is itself a perpetual Mutiny Bill. I will allow that the measure was not totally
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without reason, if this acknowledgment can be clearly inferred from the present statute ; but I fear when the mischief of this Bill, if it be not repealed, begins to operate, we shall in vain seek alleviation in that freedom of constitution we are told it was intended to bestow.

The case stands briefly thus : Our army had been governed by an annual Mutiny Bill, of British enacting : we have substituted an Irish Mutiny Bill, of unlimited duration. A perpetual Mutiny Bill could not, at least would not, be enacted by a British Parliament. A British ministry has permitted us to make a law agreeable to themselves, which they could not procure from any other quarter : and this law, ingrafted upon the English articles of war, is to secure the independence of Ireland. There is not a paragraph in this Bill which can be construed by the most subtle court casuistry into a declaration of our past, or an assertion of our future independence.

The eleventh clause, after a recital of some English acts for the regulation of the army, runs thus : “ That all and every the clauses
 “ contained in the said recited acts, other than
 “ such clauses, and parts thereof, as are hereby
 “ *repealed* and altered, shall remain in *force*.”
 This clause, enacting that a part of the Mutiny Bill shall be repealed, and that a part shall remain in force, is an evident acknowledgment of the legal obligation of former acts : for “ to
 “ be in force,” in a legal acceptation, denotes
 a right

a right to oblige; and it would be a blunder, to which the advocates for this bill will not resort, to say that an ordinance can “remain” in force, which they will not allow to have had any previous obligation: and if they are so hardy as to deny that the word “remain” denotes previous obligation, will they also assert that a law can be “repealed” which never had any legal existence? But lest these expressions should not sufficiently mark the sense of the Legislature respecting Irish independence, it is asserted, in the 48th and 49th clauses, that offences committed against the former Mutiny Bills enacted in England, shall be now punishable. If a British Parliament had not heretofore a right to make laws for Ireland, how could offences be committed against laws enacted by such a Parliament? And does not the admission of the sanction infer the acknowledgment of the law? Either these clauses enact an *ex post facto* law (for to punish previous actions by a subsequent law is undoubtedly *ex post facto*) or they declare, that transgressions of British laws ought to have been punished heretofore; therefore, that British laws are obligatory, and consequently, that Britain had a right to make laws for Ireland. And if they acknowledge the right for two or three years past, what is there in this Bill that amounts to a denial of that right in future?

The above recited clauses artfully provide, that this Bill can by no construction amount to a declaration of independence, they do more, they furnish the British Minister with a dormant claim to impose laws on us, which the
first

first return of British ambition may awaken. If the spirit of this nation should, in any measure, subside; if a reverse of fortune should affect the Minister with a relapse of pride, and he should endeavour to compensate his commercial conceptions by a recovery of constitutional controul; if, in the intoxication with which the slightest prosperity, after a series of defeats, is apt to affect a weak head, he should attempt to promulgate English laws in this kingdom, there would be found, even in our Parliament, men to justify the usurpation. These clauses would be construed into an acknowledgment of British supremacy. The very men who would ridicule the refinement of so subtle an implication, when it tended to guard against evil designs, would be the loudest in asserting it, when the mandate of a Minister dictated a recantation of their former professions.

The experience of all ages and countries points out the danger of standing armies. Our own history exhibits numerous proofs of their ruinous nature. The charters of our liberty guard against them. The Bill of Rights declares, that a standing army is unconstitutional. A perpetual Mutiny Bill, establishing a perpetual army, violates the Bill of Rights. That Parliament, which was the boast of the Irish nation, and the admiration of Europe, has burst through these barriers with which the mangled bodies of our forefathers have fenced our rights, and fortified our constitution.

F I N I S.

Errata. p. 15. l. 4. for *triennial* read *biennial*.
l. 8. ditto.



